

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 27, 2011
POSITION: Neutral, note concerns
SPONSOR: City of Garden Grove

BILL NUMBER: SB 264
AUTHOR: L. Correa

BILL SUMMARY: Recreational Activities: Skateboard Parks

This bill would make permanent the qualified immunity afforded cities, counties and other public agencies that build or operate public skateboard parks constructed after January 1, 1996. It would do so by deleting the January 1, 2012 sunset date for the existing legal liability protections and reporting requirements.

Reports of injuries or claims would be required to be filed with the Senate and Assembly Judiciary Committees, rather than the Judicial Council.

Under current law, skateboarding in a public skateboard park is deemed a hazardous recreational activity for purposes of legal liability for public agencies, if the following conditions are met:

- The person skateboarding is 12 years of age or older.
- The skateboard park is on public property.

Local public agencies are required to maintain a record of all known or reported injuries incurred by a skateboarder in a public skateboard park or facility. That agency must also maintain a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the public agency, and file an annual report of those matters with the Judicial Council.

FISCAL SUMMARY

Finance does not believe the bill imposes reimbursable costs since it requires the provision of neither a new nor a higher level of service to the public, and the operation of a skateboarding facility is at the discretion of local agencies. However, should a claim of state mandate arising from the extension of record-keeping and reporting requirements placed on local agencies be filed with and sustained by the Commission on State Mandates (COSM), an unquantifiable but substantial state General Fund impact could result.

COMMENTS

Finance notes the following concern with regard to this bill:

- Should a claim of state mandate arising from the extension of record-keeping and reporting requirements be filed with and sustained by COSM, an unquantifiable state General Fund impact could result.

Analyst/Principal (0762) C. Hill	Date	Program Budget Manager Mark Hill	Date
-------------------------------------	------	-------------------------------------	------

Department Deputy Director	Date
----------------------------	------

Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
---------------	-----------------------------

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

L. Correa

June 27, 2011

SB 264

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
0001/Major Rev	SO	No	-----	See Fiscal Summary	-----				0001